

## REMARKS

Applicant respectfully requests allowance of the subject application. Claims 1-47 are pending. In view of the following remarks, Applicant respectfully requests that the rejections be withdrawn and the application be forwarded along to issuance. Support for the amendment may be found throughout the specification and drawings as filed and particularly at paragraph [0007].

### § 102(e) Rejection

Claims 1, 6-9, 13-14, 18-19, 23-24, 28-30, 32-34, 36 and 40-41 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent Application Publication No. 2004/0243997 to Mullen et al. (hereinafter "Mullen"). The Applicants respectfully disagree.

**Claim 1** is directed to a server system. Claim 1 recites in part:

- if the first field corresponds to the second field, then comparing the first description of the first condition with the second description of the second condition to determine whether the first condition is met by the second condition; and
- if met, then determining that the configuration setting is valid for use with the second application.

The Mullen reference fails to disclose at least these features. Mullen merely describes a method in which program components are copied from a first file directory to a second file directory during installation. *See Mullen, Page 1, paragraph [0006]*. The Mullen system only determines the application configuration settings of the first file directory and then copies the setting to the second file directory. *See Mullen, Page 1, paragraph [0009]*. Nowhere does Mullen disclose validating including "if the first field corresponds to the second

1 field, then comparing the first description of the first condition with the second  
2 description of the second condition to determine whether the first condition is met  
3 by the second condition” or “if met, then determining that the configuration setting  
4 is valid for use with the second application” as recited in claim . Mullen simply is  
5 a copy functionality which is capable of determining application configuration  
6 settings of a first directory and then copying them to a second file directory. *See*  
7 *Mullen, Page 1, paragraph [0009]*. Mullen, Paragraph [0029] is incorrectly cited  
8 for this disclosure. The entirety of Mullen paragraph [0029] is reproduced below  
9 for convenience.

10 [0029] In certain implementations, the configuration setting entry 80  
11 (FIG. 3) may indicate a directory location and file or parameter  
12 name for the operating system or application program configurations  
13 settings 84a, 84b . . . 84n for the preexisting installation to copy and  
14 the target directory location of where to write the copied preexisting  
15 configuration settings 106, 110. The configuration settings 84a, 84b .  
16 . . . 84n may indicate the source of the configuration settings to copy  
17 as relative to the root of the preexisting directory locations 102 and  
18 the target location to write the configuration settings as relative to  
19 the root of the directory locations 122 for the new installation.  
20 Alternatively, the configuration settings 84a, 84b . . . 84n may  
21 indicate the source and target locations for the configuration settings  
22 to copy as absolute file directory locations. If the configuration  
23 settings to copy are maintained in a file, then the file would be  
24 copied over. If the configuration settings to copy comprise  
25 parameters in a data structure, such as a registry file or other file,  
then the installation program 52 would open that data structure to  
access the configuration settings to copy, and then open the  
corresponding data structure in the new installation to update with  
the copied configuration setting value. *See Mullen, Paragraph*  
*[0029]*.

As shown in the above paragraph, Mullen discloses determining and copy  
functionality. Paragraph [0029] does not “compare the first description of the first  
condition with the second description of the second condition.” Claim 1 recites a

1 method of validating a configuration setting of a first application including in part  
2 “if the first field corresponds to the second field, then comparing the first  
3 description of the first condition with the second description of the second  
4 condition to determine whether the first condition is met by the second condition.”  
5 Neither paragraph [0029], nor anywhere does Mullen teach the recited portion.  
6 Additionally, Mullen fails to teach if met, “then determining that the configuration  
7 setting is valid for use with the second application.” Mullen does not disclose this  
8 capability, as the Mullen reference merely determines “[i]f the configuration  
9 settings to copy comprise parameters in a data structure . . . then the installation  
10 program 52 would open that data structure to access the configuration settings to  
11 copy . . .” and subsequently copies the data to the second file directory (the new  
12 installation). Removal of the pending rejection is respectfully requested and  
13 allowance is solicited.

14  
15 **Claim 5** is allowable based on its dependency from Claim 1. Claim 5 is  
16 further allowable as Mullen fails to teach an attribute being “a declarative tag.”  
17 Mullen paragraph [0027] cited for this proposition only discloses logic  
18 implemented during installation. *See Mullen, Pages 2-3, paragraph [0027]*. In  
19 the same passage, Mullen only discloses 1) the operating system (OS) may  
20 continue to run, 2) the creation of a new root directory (for the “new installation”),  
21 and 3) rebooting will cause the new installed OS to run. *See Mullen, Pages 2-3,*  
22 *paragraph [0027]*. Nowhere else does Mullen correct the deficiency of teach the  
23 features recited in Claim 5. Removal of the pending rejection is respectfully  
24 requested.

1       **Claims 6, 7 and 8** are allowable based on the same rational as Claim 1  
2 from which the instant claims depend. Furthermore, with respect to Claim 6, as  
3 Mullen fails to “validate” as recited in Claim 1, Mullen is incapable of  
4 “communicating a result” of the validation as recited in Claim 6. Mullen,  
5 paragraph [0029] does not correct this defect. Removal of the pending rejection is  
6 respectfully requested.

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8       **Claim 9** is directed to a method. Claim 9 recites in part:

- 9       • examining a second application to find a second configuration  
10       setting that corresponds to the first configuration setting, wherein the  
11       second application is composed of computer instructions, the  
12       computer instructions having an attribute, the attribute providing a  
13       second description of a second condition for a second field, the  
14       second configuration setting having the second field and the second  
15       description; and
- 16       • comparing the second description of the second condition with the  
17       first description of the first condition to determine whether the  
18       second condition is met by the first condition, and if met then  
19       determining that the second configuration setting is valid for use  
20       with the first application.

21       The Mullen reference fails to disclose at least these features. Mullen FIG. 4 items  
22       128 and 130 are cited as teaching “examining a second application . . .” This is  
23       incorrect. The Mullen reference does not examine a second application. Rather,  
24       Mullen simply teaches a copy functionality which does not include examination of  
25       a second application. *See Mullen, Page 3, paragraph [0029]*. Mullen is only  
concerned with copying a first file directory to generate an image for a second  
directory. Mullen ends with this copy functionality and does not compare “the  
second description of the second condition with the first description of the first  
condition to determine whether the second condition is met by the first condition,

1 and if met then determining that the second configuration setting is valid for use  
2 with the first application” as recited in Claim 9. Not only does Mullen fail to  
3 disclose the foregoing passage, but Mullen would not require this functionality as  
4 Mullen is limited to copying to generate an operating system image, such as when  
5 installing an operating system. *See Mullen, Abstract.*

6 It is respectfully submitted that the reference to Mullen paragraph [0029] is  
7 incorrect as this passage (reproduced above) does not disclose “comparing the  
8 second description of the second condition with the first description of the first  
9 condition to determine whether the second condition is met by the first condition,  
10 and if met then determining that the second configuration setting is valid for use  
11 with the first application.” Mullen Paragraph [0029] only teaches “[i]f the  
12 configuration settings to copy comprise parameters in a data structure. . . then the  
13 installation program 52 would open that data structure to access the configuration  
14 settings to copy. . .” and subsequently copies the data to the second file directory  
15 (the new installation). Nowhere is comparing disclosed or even suggested.  
16 Removal of the pending rejection is respectfully requested.

17  
18 **Claim 13** is allowable based on its dependency from Claim 9. As a *prima*  
19 *facie* case of anticipation has not been shown with respect to Claim 9, removal of  
20 the pending rejection is respectfully requested.

21  
22 **Claim 14** has been amended it is believed to be in a condition for  
23 allowance which is earnestly solicited. Nowhere in the asserted references is a  
24 method including utilizing the configuration file to validate configuration settings  
25

1 disclosed or suggested. Removal of the pending rejection is respectfully  
2 requested.

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4 **Claim 18** is allowable as Claim 18 recites one or more computer readable  
5 media . . . that perform the method as recited in claim 14. Mullen fails to teach or  
6 disclose computer readable media having this performance capability. Removal of  
7 the pending rejection is respectfully requested.

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9 **Claim 19** is allowable as nowhere does Mullen disclose or teach a method  
10 including "validating whether the first application is valid for use with a second  
11 said application by comparing each said configuration setting of the first  
12 application with a corresponding said configuration setting of the second said  
13 application to determine whether each said condition of the first application is met  
14 by a corresponding said condition of the second application." Mullen fails to  
15 teach any validation as Mullen merely provides a copy functionality. Removal of  
16 the pending rejection is respectfully requested.

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18 **Claim 23** is allowable as it performs the method of Claim 19. Claim 19 is  
19 allowable as nowhere does Mullen teach "validating whether the first application  
20 is valid for use with a second said application by comparing each said  
21 configuration setting of the first application with a corresponding said  
22 configuration setting of the second said application to determine whether each said  
23 condition of the first application is met by a corresponding said condition of the  
24 second application." As Claim 19 is allowable based on the foregoing rational,  
25 Claim 23 is allowable as the Mullen reference fails to disclose the features of

1 Claim 19, nor does Mullen disclose “[o]ne or more computer-readable media  
2 comprising computer executable instructions that, when executed, perform the  
3 method as recited in claim 19.” Removal of the pending rejection to Claims 23 is  
4 respectfully requested and allowance solicited.

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6 **Claim 24** is pending a rejection under 35 U.S.C. 102(e) over Mullen.  
7 Applicants disagree. Claim 24 in part recites:

- 8 • validate whether the first condition is met by a second application,  
9 wherein:  
10 the second application is composed of computer instructions;  
11 the computer instructions have an attribute that provides a second  
description of a second condition for a second field; and  
the first condition is validated through comparison with the second  
condition.

12 Mullen fails to teach computer-readable medium which when executed causes a  
13 computer to “validate whether the first condition is met by a second application . .  
14 .” Mullen item “128” of FIG. 4 was incorrectly cited for this teaching. FIG. 4  
15 item 128 is the copied “Installed Application(s)”. At Mullen paragraph [0028]  
16 (the relevant portion of the reference) describes accessing the one or more  
17 application images and copying the images to a location in the created directory  
18 location to provide the installed application(s) 128. *See Mullen, Page 3,*  
19 *paragraph [0028].* At no time does the Mullen reference validate, as item 128 is a  
20 copy of the application images. Removal of the pending rejection is respectfully  
21 requested and allowance is solicited.

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23 **Claim 28** currently is rejected. Applicants disagree with the rejection.  
24 Claim 28 recites a computer, in part, including memory. The memory configured  
25 to maintain: “a configuration file including a configuration setting of a second

1 application having a second field and a second description of a second condition  
2 for the second field;" and "a configuration module that, when executed on the  
3 processor, validates the configuration setting for use with the first application by  
4 comparing the second description of the second condition with the first description  
5 of the first condition to determine whether the second condition is met by the first  
6 condition, and if met, then determining that the configuration setting is valid for  
7 use with the first application." The Mullen file system 100 does neither. The  
8 Mullen system fails to include a configuration module that . . . "validates the  
9 configuration setting for use with the first application by comparing the second  
10 description of the second condition with the first description of the first condition  
11 to determine whether the second condition is met by the first condition, and if met,  
12 then determining that the configuration setting is valid for use with the first  
13 application." While Mullen paragraph [0029] is cited for this proposition the  
14 passage does not recite this asserted teaching. No other portion of Mullen corrects  
15 this defect. Paragraph [0029] teaches a copy functionality which does not  
16 validate. Instead, Mullen discloses, "[i]f the configuration settings to copy  
17 comprise parameters in a data structure, such as a registry file or other file, then  
18 the installation program 52 would open that data structure to access the  
19 configuration settings to copy, and then open the corresponding data structure in  
20 the new installation to update with the copied configuration setting value." See  
21 *Mullen, Page 3, paragraph [0029]*. Removal of the pending rejection is  
22 respectfully requested and allowance is earnestly solicited.

23  
24 **Claims 29 and 30** are allowable based on their dependency from  
25 Claim 28. Additionally, Claims 29 and 30 are allowable for based on the individual



1 claim's own recited features which are not disclosed by Mullen. Accordingly,  
2 Applicants respectfully request that the §102(e) rejection to the instant claims be  
3 withdrawn.

4  
5 **Claim 32** in part recites a computer including memory configured to  
6 maintain:

- 7 • a configuration file including a second configuration setting of a second  
8 application having a second field and a second description of a second  
9 condition for the second field; and
- 10 • a configuration module that, when executed on the processor, validates  
11 the first configuration setting for use with the second application by  
12 comparing the first description of the first condition with the second  
13 description of the second condition to determine whether the first  
14 condition is met by the second condition, and if met, then determining  
15 that the first configuration setting is valid for use with the second  
16 application.

17 Mullen fails to anticipate Claim 32 as Mullen does not include a configuration  
18 module as recited. Mullen paragraph [0029] is cited as teaching these features.  
19 The Office's assertion is incorrect as Mullen does not include a configuration  
20 module that, when executed . . . validates the first configuration setting for use  
21 with the second application by comparing the first description of the first condition  
22 with the second description of the second condition. Mullen does not do this as  
23 the asserted second application is merely a copy of the first and does not require  
24 verification. In this manner, there is no need in Mullen for the asserted teachings.  
25 Removal of the pending rejection is respectfully requested.

26 **Claims 33 and 34** are allowable based on their dependency from Claim 32.  
27 Additionally, Claims 32 and 34 are allowable for based on the individual claim's

own recited features which are not disclosed by Mullen. Accordingly, Applicants respectfully request that the §102(e) rejection to the claims be withdrawn.

**Claim 36** is rejected under 35 U.S.C. §102(e) over Mullen. Applicants disagree. Claim 36 has been amended. Claim 36 in part recites

- a broadcast transmitter configured to provide media content to a client in response to a request from the client;
- a first application that when executed provides media content for broadcast by the broadcast transmitter, wherein the application is composed of computer instructions, the computer instructions have attributes, and each said attribute provides a description of a condition for a field; and

Mullen fails to disclose a content server which includes a broadcast transmitter or memory as recited in the claim. Mullen only discloses a system for installing program components at no time does the Mullen reference disclose providing media content as recited in Claim 36. Removal of the pending rejection is respectfully requested.

**Claim 40** is allowable as nowhere does Mullen teach a “configuration module that is executable to validate whether each said condition is met by a second application.” Mullen only discloses a copy functionality and does not include a configuration module that is executable to validate whether each said condition is met. The installed application of Mullen 128 does not include any

1 comparison function. Rather, item 128 is only the copy of the first application.  
2 See Mullen, Page 3, paragraph [0028]. Removal of the pending rejection is  
3 respectfully requested and allowance is solicited.

4  
5 Claim 41 is allowable as being based on an independent claim which is  
6 believed to be in a condition for allowance. Additionally, nowhere does Mullen  
7 disclose a broadcast transmitter as recited in Claim 41.

8  
9 **§ 103(a) Rejection**

10 Claims 2-4, 10-12, 15-17, 20-22, 25-27, 31, 35, 37-39 and 42-47 stand  
11 rejected under 35 U.S.C. § 103(a) as being unpatentable over Mullen in view of  
12 U.S. Patent Application Publication Number 2002/0026436 to Joory et al.  
13 (hereinafter "Joory"). The Applicants respectfully disagree.

14 Claims 2-4 are allowable based on their dependency from Claim 1. The  
15 present rejection to Claims 2-4 is improper as neither Mullen, nor Joory  
16 individually, or in combination, teach or suggest the recited features. In particular,  
17 Joory fails to correct the deficiencies in Mullen including the failure to teach  
18 validating as recited in Claim 1. The Joory reference is not cited as correcting this  
19 deficiency. Additionally, the cited passage of Joory fails to teach "wherein the  
20 first and second conditions are value constraints." The Joory passage does not  
21 include value constraints as recited. The Joory attributes disclose data field which  
22 do not necessarily teach value constraints. Exemplary value constraints including,  
23 for example, integer range, float range, or value set. Instead, the Joory attributes  
24 are merely varying data. To establish *prima facie* obviousness of a claimed  
25 invention, all the claim limitations must be taught or suggested by the prior art. In

1 *re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). *See also In re Wilson*, 165 U.S.P.Q.  
2 494 (C.C.P.A. 1970). Removal of the pending rejection to Claims 2-4 is  
3 respectfully requested.

4       Regarding **Claims 10-12**, the Joory reference fails to correct the  
5 deficiencies of Mullen including the failure to teach examining and comparing as  
6 recited in the base claim. Claims 10-12 are also allowable for their own recited  
7 features which, in combination with those recited in Claim 9, are neither shown  
8 nor suggested in the references of record, either singly or in combination with one  
9 another. Joory additionally fails to teach value constraints. Joory, Paragraph  
10 [0049] discloses various data types included within application setup data or  
11 attributes. The attributes do not teach value constraints as recited in Claim 10.  
12 The Joory attributes only provide examples of data types and do not teach or  
13 suggest the utilization of value constraints as recited. Removal of the pending  
14 rejection to Claims 10-12 is respectfully requested.

15  
16       **Claims 15-17** are allowable as being based on an independent claim, Claim  
17 14, which is believed to be in a condition for allowance. The Joory reference is  
18 not cited as correcting the deficiencies of Mullen with respect to the base Claim  
19 14. Claims 15-17 are also allowable for their own recited features which, in  
20 combination with those recited in Claim 14, are neither shown nor suggested in the  
21 references of record, either singly or in combination with one another. With  
22 particular regard to Claim 15, the Joory reference fails to teach "a value constraint  
23 selected from the group consisting of: an integer range; a float range; a value set; a  
24 string pattern; cardinality of a collection; a mandatory value; and an optional  
25 value. The recited passage of Joory fails to disclose the recited potential constraint

1 values and does not teach each and every limitation as required for a combination  
2 under 35 U.S.C. §103(a). Removal of the pending rejection is requested and  
3 allowance is solicited.

4  
5 **Claims 20-22** are allowable based on their respective dependency from  
6 Claim 19 which is believed to be in a condition for allowance. The asserted  
7 combination of Mullen and Joory is improper as the Joory reference is not cited as  
8 correcting the deficiencies in the Mullen reference with respect to the features of  
9 Claim 19. Applicants will not burden the record. With specific regard to Claim  
10 20 the Joory reference does not teach or suggest constraint values as recited in the  
11 claim. The "attributes" of Joory are simply data and do not teach or suggest  
12 "wherein each condition is a value constraint . . ." Removal of the pending  
13 rejection to the instant claims is respectfully requested.

14  
15 **Claims 25-27** are allowable based on their dependency from Claim 24.  
16 Claim 25 is additionally patentable as neither Joory, nor Mullen teach or disclose  
17 value constraints. Claims 26 and 27 are also allowable for their own recited  
18 features which, in combination with those recited in Claim 24, are neither shown  
19 nor suggested in the references of record, either singly or in combination with one  
20 another. Removal of the pending rejection is respectfully requested.

21  
22 **Claims 31 and 35** are allowable based on their dependency from Claims 28  
23 and 32. The instant claims are also allowable for their own recited features which,  
24 in combination with those recited in each claims respective base claim, are neither  
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1 shown nor suggested in the references of record, either singly or in combination  
2 with one another. Removal of the pending rejection is respectfully requested.

3  
4 **Claim 37** is allowable as neither the Mullen reference, nor the Joory  
5 reference teach or disclose value constraints. Joory, asserted as teaching "value  
6 constraints" instead merely teaches "attributes" which fail to disclose or suggest  
7 value constraints. Claim 37 is also allowable based on the same rationale as  
8 discussed with respect to independent Claim 36, from which the instant claim  
9 depends. Removal of the pending rejection is requested and allowance is solicited.

10  
11 **Claims 38 and 39** are allowable based on their dependency from Claim 36.  
12 The instant claims are also allowable for their own recited features which, in  
13 combination with those recited in each claims respective base claim, are neither  
14 shown nor suggested in the references of record, either singly or in combination  
15 with one another. Removal of the pending rejection is respectfully requested.

16  
17 **Claim 42** is allowable as neither the Mullen reference, nor the Joory  
18 reference teach or disclose value constraints or the features of independent Claim  
19 40, from which the instant claim depends. Joory, asserted as teaching "value  
20 constraints" instead merely teaches "attributes" which fail to disclose or suggest  
21 value constraints. Claim 42 is also allowable based on the same rationale as  
22 discussed with respect to independent Claim 40. Removal of the pending rejection  
23 is requested and allowance is solicited.

1       **Claims 43 and 44** are allowable based on their dependency from Claim 40.

2       The instant claims are also allowable for their own recited features which, in  
3       combination with those recited in each claims respective base claim, are neither  
4       shown nor suggested in the references of record, either singly or in combination  
5       with one another. Removal of the pending rejection is respectfully requested.

6  
7       **Claim 45** is pending a rejection under 35 U.S.C. §103(a) over Mullen in  
8       view of Joory. Applicants disagree. The Mullen/Joory combination fails to teach  
9       or suggest the inclusion of a configuration module that is executable by the second  
10      computer to validate the first configuration setting. Mullen was cited for this  
11      proposition. Joory was neither cited as correcting this deficiency, nor does Joory  
12      correct this deficiency in Mullen. The Mullen reference does not validate setting  
13      because the Mullen system is only for copying. The Mullen copy functionality  
14      neither discloses validation, nor is there any need to validate as Mullen is merely  
15      concerned with computer intra copying while Claim 45 recites a first and second  
16      computer.  
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19      The citation to Joory is additionally incorrect as the combination is taken in  
20      a piecemeal fashion to cobble together the features of the instant claim rather than  
21      considering the claim as a whole, as is required under the law. Even if one were to  
22      combine Mullen and Joory, the resultant combination would not result in the  
23      present invention as there is no teaching or suggestion in the references, either  
24      singly or together, which would cause one of skill in the art to take the asserted  
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1 “configuration module” and include the module in a second computer. Even if  
2 one were to assume the combination was proper, there is no teaching which would  
3 suggest modifying the Mullen system, which is directed to a single device, and  
4 changing it to a first and second computer system with an asserted configuration  
5 module in the second computer and operate the system in the recited manner.  
6 Removal of the pending rejection is respectfully requested and allowance is  
7 solicited.  
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9  
10 **Claims 46 and 47** are allowable based on their dependency from Claim 45.  
11 The instant claims are also allowable for their own recited features which, in  
12 combination with those recited in each claims respective base claim, are neither  
13 shown nor suggested in the references of record, either singly or in combination  
14 with one another. Removal of the pending rejection is respectfully requested.  
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